
SUBSTITUTE SENATE BILL 5227

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Tom, Kline, Carrell, Rasmussen, Stevens, Shin, Roach, McAuliffe, Weinstein, Jacobsen, Kohl-Welles and Kilmer)

READ FIRST TIME 02/07/07.

1 AN ACT Relating to animal abandonment; amending RCW 16.52.207 and
2 16.52.011; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 16.52.207 and 2005 c 481 s 2 are each amended to read
5 as follows:

6 (1) A person is guilty of animal cruelty in the second degree if,
7 under circumstances not amounting to first degree animal cruelty, the
8 person knowingly, recklessly, or with criminal negligence inflicts
9 unnecessary suffering or pain upon an animal.

10 (2) An owner of an animal is guilty of animal cruelty in the second
11 degree if, under circumstances not amounting to first degree animal
12 cruelty, the owner knowingly, recklessly, or with criminal negligence:

13 (a) Fails to provide the animal with necessary shelter, rest,
14 sanitation, space, or medical attention and the animal suffers
15 unnecessary or unjustifiable physical pain as a result of the failure;
16 or

17 (b) Abandons the animal as defined in RCW 16.52.011.

18 (3)(a) Animal cruelty in the second degree under subsection (1) or
19 (2)(a) of this section is a misdemeanor.

1 (b) Animal cruelty in the second degree under subsection (2)(b) of
2 this section is a gross misdemeanor.

3 (4) In any prosecution of animal cruelty in the second degree under
4 subsection (1) or (2)(a) of this section, it shall be an affirmative
5 defense, if established by the defendant by a preponderance of the
6 evidence, that the defendant's failure was due to economic distress
7 beyond the defendant's control.

8 **Sec. 2.** RCW 16.52.011 and 1994 c 261 s 2 are each amended to read
9 as follows:

10 (1) Principles of liability as defined in chapter 9A.08 RCW apply
11 to this chapter.

12 (2) Unless the context clearly requires otherwise, the definitions
13 in this section apply throughout this chapter.

14 (a) "Abandons" means the knowing or reckless desertion of an animal
15 by its owner or the causing of the animal to be deserted by its owner,
16 in any place, without making provisions for the animal's adequate care.

17 (b) "Animal" means any nonhuman mammal, bird, reptile, or
18 amphibian.

19 (~~(b)~~) (c) "Animal care and control agency" means any city or
20 county animal control agency or authority authorized to enforce city or
21 county municipal ordinances regulating the care, control, licensing, or
22 treatment of animals within the city or county, and any corporation
23 organized under RCW 16.52.020 that contracts with a city or county to
24 enforce the city or county ordinances governing animal care and
25 control.

26 (~~(c)~~) (d) "Animal control officer" means any individual employed,
27 contracted, or appointed pursuant to RCW 16.52.025 by an animal care
28 and control agency or humane society to aid in the enforcement of
29 ordinances or laws regulating the care and control of animals. For
30 purposes of this chapter, the term "animal control officer" shall be
31 interpreted to include "humane officer" as defined in (~~(e)~~) (f) of
32 this subsection and RCW 16.52.025.

33 (~~(d)~~) (e) "Euthanasia" means the humane destruction of an animal
34 accomplished by a method that involves instantaneous unconsciousness
35 and immediate death, or by a method that causes painless loss of
36 consciousness, and death during the loss of consciousness.

1 (~~(e)~~) (f) "Humane officer" means any individual employed,
2 contracted, or appointed by an animal care and control agency or humane
3 society as authorized under RCW 16.52.025.

4 (~~(f)~~) (g) "Law enforcement agency" means a general authority
5 Washington law enforcement agency as defined in RCW 10.93.020.

6 (~~(g)~~) (h) "Necessary food" means the provision at suitable
7 intervals of wholesome foodstuff suitable for the animal's age and
8 species and sufficient to provide a reasonable level of nutrition for
9 the animal.

10 (~~(h)~~) (i) "Owner" means a person who has a right, claim, title,
11 legal share, or right of possession to an animal or a person having
12 lawful control, custody, or possession of an animal.

13 (~~(i)~~) (j) "Person" means individuals, corporations, partnerships,
14 associations, or other legal entities, and agents of those entities.

15 (~~(j)~~) (k) "Substantial bodily harm" means substantial bodily harm
16 as defined in RCW 9A.04.110.

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